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COOPER INDUSTRIES

Robert W. Teets
Director
Risk Management
and Environmental Affairs

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 9, 1990

Stephen R. Wassersug, Director
Hazardous Waste Management Division
U.S. Environmental Protection Agency
Region III
841 Chestnut Street
Philadelphia, PA 19107

Re: Osborne CERCLA Site
Grove City, PA

Dear Mr. Wassersug:

As you are aware, Cooper Industries, Inc. has committed significant resources toward assisting the Environmental Protection Agency (EPA) in its development and assessment of alternative remedies for the Osborne CERCLA site in Grove City, PA. We have made every effort to cooperate with the demands and requests of the Agency and continue to remain available. Cooper has submitted a formal offer to finance and perform a remedy that consists of the design and construction of a slurry wall and a dewatering system, even though the risk assessment performed at the site by IT Corporation demonstrates that the site presents no substantial risk to human health or the environment.

We are concerned that our efforts to promote an open exchange of information may be failing. Several months ago, Frank Vavra, EPA Project Manager, indicated to me that EPA would issue its Record of Decision ("ROD") by the end of the first quarter of fiscal year 1990; at the end of that quarter; however, he told me that he had submitted a "plan" for remediation of the site to EPA Headquarters but Headquarters had rejected the plan and, therefore, the ROD would not be issued until some later date. At the time, I asked Frank what this "plan" had been and why Headquarters had rejected it. Frank refused to disclose the information, but proceeded to tell me that a panel of "experts" would be pulled together to provide EPA with the expertise needed to decide whether the slurry wall would be an adequate remedy at the site. It seems reasonable to infer that Headquarters' basis for rejecting the plan related to the slurry wall as a remedy for the site.

All the information currently in the record concerning the slurry wall remedy was prepared by or under the guidance of Cooper's consultant, GEOCON, Inc., one of the most respected slurry wall experts in the country and Civil and Environmental Consultants, Inc. It is my understanding that GEOCON, Inc. has installed over 500 slurry walls or more than 50% of all slurry walls installed nationwide. The

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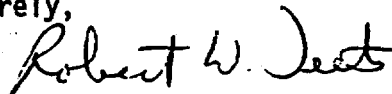
convening of a panel of experts appears to be an acknowledgement that the personnel currently assigned the project at EPA lack the education and training necessary to form a reliable opinion on that issue. Yet, Mr. Vavra is unwilling to convey to Cooper who in the Agency has doubts about the slurry wall remedy, and what those concerns are.

Cooper is also disturbed by the manner in which EPA plans to conduct the panel review. If it is being conducted as a Supplemental Feasibility Study, Cooper should be given the opportunity to meaningfully participate in the design of the review. However, Cooper has been given no such opportunity: EPA alone has selected the panelists and Frank Vavra has stated that EPA will make its decision within two days after the panel meets. EPA has limited Cooper's participation to simply being able to respond to the panel's conclusions within a two-day period before the decision is made. In light of this dubious schedule and EPA's refusal to formally involve Cooper prior to the time the panelists' decisions have been made, Cooper is concerned that this exercise is simply an attempt to manufacture a record that will support someone's previously made decision that a slurry wall is not the appropriate remedy for Osborne.

As the decision making process now stands, EPA seems to be addressing technical concerns about Cooper's proposed remedy months after a decision was to have been made, and months after Region III appeared to have reached an internal decision. Surprisingly, Cooper has not been permitted to know and address these technical concerns. Equally surprising in light of EPA's apparent reevaluation of the technical issues of the slurry wall remedy, Cooper is not being offered a meaningful opportunity to present GEOCON's technical evaluation to the group of people (who have no knowledge of this case or the Osborne CERCLA site) upon whom EPA intends to rely for technical advice. If the panel review is not simply an attempt to pad an inadequate record in support of a previously made decision, EPA should not object to allowing Cooper meaningful participation in the panel review. In either case, if persons knowing nothing about this case are being brought in for EPA to rely upon, Cooper should be given the opportunity to present the remedy to these people in person.

Cooper, therefore, requests that it be given the opportunity to review the remedial plan submitted to and rejected by Headquarters. Additionally, at a minimum, Cooper believes it should be given the opportunity to comment on the panelists' qualifications, and formally present the slurry wall alternative in person to the panel before any decisions have been made. I respectfully request your personal review of this matter and an opportunity to meet with you and express my concerns for a fair and impartial review of our technical proposal for remediation at the Osborne Site.

Sincerely,



Robert W. Teets

RWT/OS/b:ja

cc: Roseann Nistretta
Jeffrey O. Cerar, Esq.

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